

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

UNITED STATES OF AMERICA,

v. 6:10-cr-32

LEONARDO CLEMENTE-BERNABE,

Defendant.

**ORDER**

Before the Court is Defendant Leonardo Clemente-Bernabe's motion to modify his fine obligation, ECF No. 53, and his motion to supplement his motion to modify. ECF No. 56.


To the extent that Defendant moves to supplement his motion to modify by having the Court consider "the recent case law authority" of *Ward v. Chavez*, 678 F.3d 1042 (9th Cir. 2012), his motion to supplement, ECF No. 56, is **GRANTED**. The Court will consider *Ward v. Chavez* in ruling on Defendant's motion to modify.

However, Defendant shows no reason in law why his fine obligation should be modified. The Court considered all of the appropriate factors under 18 U.S.C. §§ 3553(a), 3572(a) when ordering Defendant to pay a fine of \$4,800 in "quarterly installments of a minimum of \$25 if working non-UNICOR or a minimum of 50 percent of monthly earnings if working UNICOR." ECF No. 29. Defendant shows no reason why his fine should be modified pursuant to U.S.C. §§ 3572(d)(3), 3573, 3742, or Federal Rule of Criminal Procedure 35, the government has not petitioned for modification under any of those statutes, and

the Court finds no reason to modify Defendant's fine obligation. The Ninth Circuit's decision in *Ward v. Chavez* does nothing to change that.

Accordingly, Defendant's motion to modify, ECF No. 53, is **DENIED**.

This 26 day of March 2013.

  
B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA